

Annex C - Draft Charter for a PDP WG on a Next-Generation gTLD Registration Directory Service (RDS) to Replace WHOIS



Next Generation gTLD RDS to Replace WHOIS PDP Working Group (WG) Charter (Draft)

WG Name:	Next Generation gTLD RDS to Replace WHOIS PDP Working Group	
Section I: Working Group Identification		
Chartering Organization(s)	GNSO Council	
Charter Approval Date:	TBD	
Name of WG Chair:	TBD	
Name(s) of Appointed Liaison(s):	TBD	
WG Workspace URL:	TBD	
WG Mailing List:	TBD	
GNSO Council Resolution:	Title:	Motion to Approve the Charter for the Next Generation gTLD RDS to Replace WHOIS PDP Working Group
	Ref # & Link:	TBD
Important Document Links:	<input type="checkbox"/> Next Generation gTLD RDS to Replace WHOIS Final Issue Report <input type="checkbox"/> GNSO Working Group Guidelines <input type="checkbox"/> GNSO PDP Manual <input type="checkbox"/> EP-WG Framework for a PDP on Next-Generation RDS <input type="checkbox"/> EWG Final Report and FAQs, Tutorials, & EWG Member Statements	

Section II: Mission, Purpose, and Deliverables

Mission & Scope:

Background

On 8 November, 2012, the ICANN Board passed a [resolution](#) launching the Expert Working Group on gTLD Registration Directory Services (EWG) to help redefine the purpose of gTLD registration data and consider how to safeguard the data, and to propose a model for gTLD registration directory services (RDS) to address accuracy, privacy, and access issues.

Upon publication of the [EWG's Final Report](#) in June, 2014, an informal group of GNSO Councilors and ICANN Board Members collaborated to propose a [Process Framework](#) for structuring a GNSO PDP to successfully address these challenging issues. On 26 May, 2015, the ICANN Board passed a [resolution](#) adopting that Process Framework and reaffirming its 2012 request for a Board-initiated PDP to define the purpose of collecting, maintaining and providing access to gTLD registration data, and to consider safeguards for protecting data, using the recommendations in the EWG's Final Report as an input to, and, if appropriate, as the foundation for a new gTLD policy.

Accordingly, the GNSO Council is proceeding with the Board-requested PDP, using the Framework's 3-phase process to (1) establish gTLD registration data requirements to determine if and why a next-generation RDS is needed, (2) design policies that detail functions that must be provided by a next-generation RDS to support those requirements, and (3) provide guidance for how a next-generation RDS should implement those policies, coexisting with and eventually replacing WHOIS.

Mission and Scope

The PDP Working Group is tasked with providing the GNSO Council with policy recommendations regarding the issue identified by the above ICANN Board resolutions and described in the Process Framework. Specifically, the PDP WG is tasked with analyzing the purpose of collecting, maintaining and providing access to gTLD registration data and considering safeguards for protecting that data, determining if and why a next-generation Registration Directory Service (RDS) is needed to replace WHOIS, and creating policies and coexistence and implementation guidance to meet those needs.

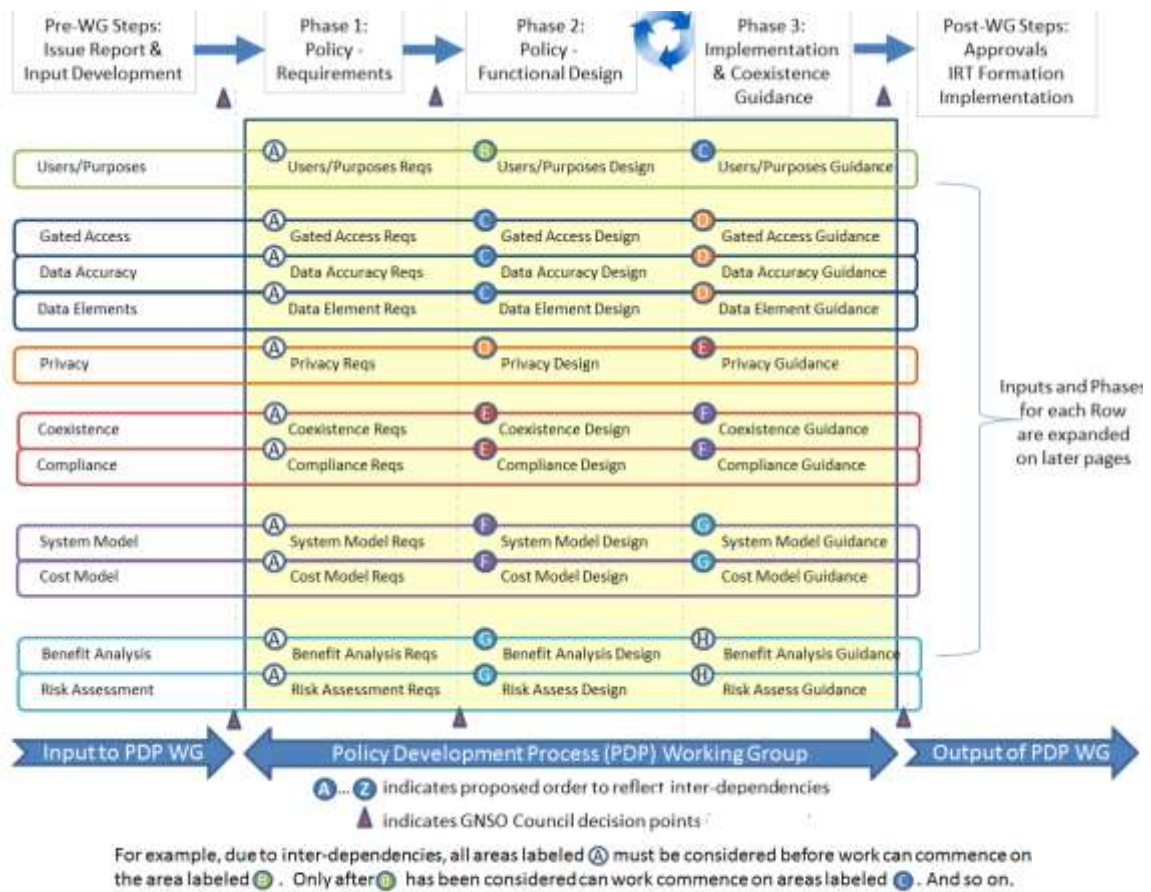
During Phase 1, the PDP WG should, at a minimum, attempt to reach consensus recommendations regarding the following questions:

- **What are the fundamental requirements for gTLD registration data?**
When addressing this question, the PDP WG should consider, at a minimum, users and purposes and associated access, accuracy, data element, and privacy requirements.
- **Is a new policy framework and next-generation RDS needed to address these requirements?**
 - If yes, what cross-cutting requirements must a next-generation RDS address, including coexistence, compliance, system model, and cost, benefit, and risk analysis requirements?
 - If no, does the current WHOIS policy framework sufficiently address these requirements? If not, what revisions are recommended to the current WHOIS policy framework to do so?

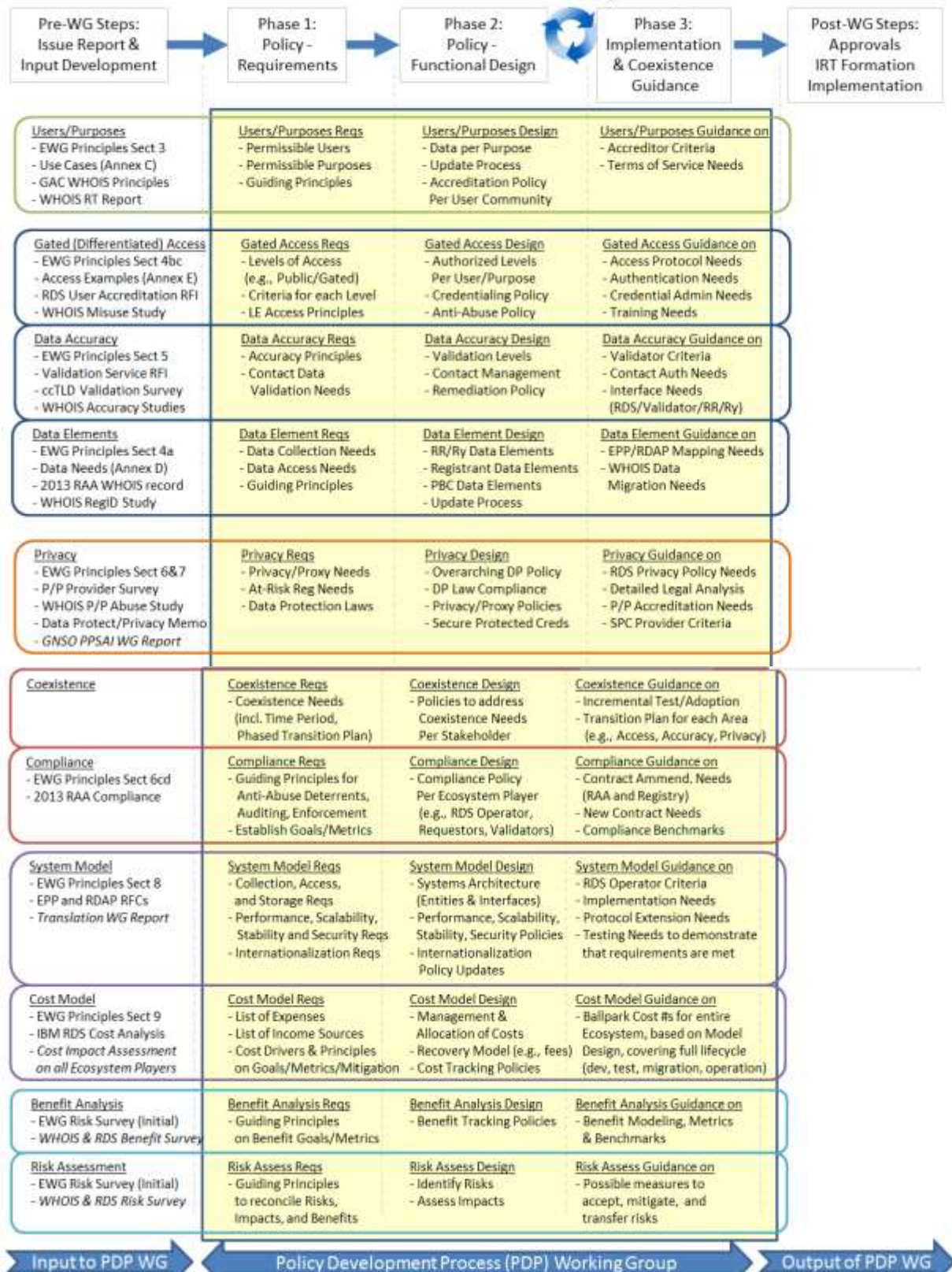
As part of its Phase 1 deliberations, the PDP WG should work to reach consensus recommendations by considering, *at a minimum*, the following complex and inter-related questions:

- **Users/Purposes:** Who should have access to gTLD registration data and why?
- **Gated Access:** What steps should be taken to control data access for each user/purpose?
- **Data Accuracy:** What steps should be taken to improve data accuracy?
- **Data Elements:** What data should be collected, stored, and disclosed?
- **Privacy:** What steps are needed to protect data and privacy?
- **Coexistence:** What steps should be taken to enable next-generation RDS coexistence with and replacement of the legacy WHOIS system?
- **Compliance:** What steps are needed to enforce these policies?
- **System Model:** What system requirements must be satisfied by any next-generation RDS implementation?
- **Cost:** What costs will be incurred and how must they be covered?
- **Benefits:** What benefits will be achieved and how will they be measured?
- **Risks:** What risks do stakeholders face and how will they be reconciled?

Each of these areas is defined in the Issue Report and suggested PDP WG inputs – including but certainly not limited to recommendations made in the EWG’s Final Report. The Process Framework shown below time-sequences these areas to accommodate inter-dependencies and create opportunities for parallel policy development, subject to resource availability.



3-Phase PDP WG Process: Detailed Description



During Phase 1, the PDP WG should examine all requirements for gTLD registration data and directory services at a high level. Due to inter-dependencies, all areas should be considered together, by a single team. For example, the PDP WG should consider whether gTLD registration data should continue to be accessible for any purpose, or whether data should be accessible only for specific purposes. If the PDP WG decides the latter, it should recommend permissible users and purposes.

At the conclusion of Phase 1, the PDP WG's output should be sent to the GNSO Council for approval of its recommendations regarding IF and WHY a next-generation RDS is needed to replace WHOIS. If the WG has concluded a new policy framework is needed, this output should include requirements to be addressed by that new framework and any next-generation RDS. However, if the WG has concluded the existing WHOIS system can adequately address requirements, the WG's output should confirm this and identify any necessary changes to the WHOIS policy framework.

Before proceeding to Phase 2, the GNSO Council should decide whether or not sufficient progress has been made to move to the next phase, whether questions still need to be more fully addressed before moving to the new phase, or whether the PDP WG has accomplished its charter. The GNSO Council should be guided at each such decision point by a set of questions that assess how well key goals and concerns have been addressed. At minimum, the Council should consider whether all questions posed in the November 2012 [Board Resolution](#) initiating this PDP have been addressed:

- Why are gTLD registration data collected?
- What purpose will the data serve?
- Who collects the data?
- What value does the public realize with access to registration data?
- Of all the registration data available, which does the public need access to?
- Is the WHOIS protocol the best choice for providing that access?
- What safeguards are provided to protect the data?

Additionally, the Council should consider whether the WG made suitable progress towards key goals and concerns in this phase of the PDP. For example, has suitable progress been made on:

- Establishing a compelling business case for a next-generation RDS to meet defined needs for registration data? (i.e., do benefits outweigh costs?)
- Establishing a coexistence plan enabling phased transition over a defined period of time?
- Creating a viable approach to moving from WHOIS anonymous access to RDS gated access?
- Ensuring scalability, stability and security of the Next-Gen RDS?
- Measuring the effectiveness of the Next-Gen RDS in reaching stated goals?
- Seeking buy-in from all impacted parties, including ecosystem players, consumers & standards bodies?

The above list is suggested by the Process Framework as a starting point for the GNSO Council to refine, in advance of reaching the Phase 1 decision point.

This next part of this charter applies only if the GNSO Council confirms after Phase 1 that a new policy framework and next-generation RDS are required and the WG should to proceed to Phases 2 and 3.¹²⁷

¹²⁷ As the PDP progresses, if the GNSO decides to develop a new consensus policy framework, BWG-RDS guidance will be needed regarding impact on and leveraging of other on-going ICANN efforts, including legacy WHOIS activities corresponding to the Board's two-prong approach.

During Phases 2 and 3, the PDP WG should recommend a new consensus policy framework to satisfy requirements for a next-generation RDS established in Phase 1, along with any necessary coexistence and implementation guidance. Specifically:

- **In Phase 2**, the PDP WG should design detailed policies to satisfy all requirements established in Phase 1. For example, the PDP WG should define the data elements to be accessible for each permissible user and purpose. Opportunities for parallel policy design have been identified in the Process Framework, sequenced to reflect inter-dependencies. For example, to satisfy dependencies, policies in group B must be drafted before policies in group C can start, but policies in group C could potentially be drafted in parallel by PDP WG subteams, given sufficient resources and coordination. This sequencing is intended as a guideline for GNSO use when developing the PDP work plan.
- **In Phase 3**, the PDP WG should dive more deeply into each policy group to create any necessary implementation and coexistence guidance. For example, in Phase 3a), the PDP WG might explore possible Terms of Service for permissible users and purposes and identify challenges that must be overcome. In Phase 3b), the PDP WG might detail WHOIS and next-generation RDS data access coexistence.
- **Phases 2 and 3 may be overlapping and iterative.** Details explored in Phase 3 may require refinement of certain Phase 2 policies. Any policy refinements should be carefully coordinated to manage inter-dependencies. To accomplish this, the Process Framework recommends that the GNSO Council periodically review Phase 2 work-in-progress to identify gaps or inconsistencies and ensure alignment with Phase 1 requirements.

At the conclusion of Phase 3, the PDP WG's output should be sent to the GNSO Council for approval of its recommended new policy framework for a next-generation RDS and guidance for how a next-generation RDS should implement those policies, coexisting with and eventually replacing WHOIS.

Upon reaching this final decision point, the GNSO Council should decide whether sufficient progress has been made, whether questions still need to be more fully addressed, or whether the PDP WG has accomplished its charter. As at the end of Phase 1, the GNSO Council should be guided by a set of questions that assess how well key goals and concerns have been addressed.

PDP WG inputs: As directed by the ICANN Board, the EWG Final Report and FAQs, Tutorials, and EWG Member Statements should serve as the foundation for the PDP. In addition to past work on this topic and all available inputs suggested in the Issue Report and the Process Framework, the PDP WG should take into account on-going ICANN initiatives that may help inform deliberations limited to this specific topic, such as:

- Implementation of the 2013 RAA
- Implementation of Thick WhoIs
- Privacy and Proxy Services Accreditation Issues recommendations, if/when adopted by the GNSO Council and ICANN Board
- Translation and Transliteration recommendations, if/when adopted by the GNSO Council and ICANN Board

For example, the PDP WG is expected to build upon the GNSO/Board-adopted output of the PPSAI and Translation/Transliteration PDPs.

The PDP WG is also expected to consider information and advice on this topic provided by all relevant

stakeholders, including but not limited to other ICANN Supporting Organizations and Advisory Committees. The WG is strongly encouraged to initiate consultation processes and reach out to these groups for collaboration at an early stage of its deliberations, to ensure that their concerns and positions are heard and considered in a timely manner. During Phases 2 and 3, the WG may engage outside experts as needed to inform its work, particularly when formulating coexistence and implementation guidance.

Objectives & Goals:

To develop, at a minimum, an Initial Report and a Final Report which addresses the questions enumerated in the Final Issue Report. Both of these Reports are to be published for public comment at the end of Phase 1 and again at the end of iterative Phases 2 +3.

These Reports should be delivered to the GNSO Council, following the processes described in Annex A of the ICANN Bylaws and the GNSO PDP Manual, and further guided by the Process Framework as described above.

Additional Interim Reports may be requested from the PDP WG by the GNSO Council to facilitate oversight, avoid gaps, and ensure continuing alignment across areas.

Deliverables & Timeframes:

To foster sustained progress and timely completion, the PDP WG should work towards a defined timeline for incremental targets (e.g., complete Phase 1 in x weeks). Additionally, the WG shall respect the timelines and deliverables as outlined in Annex A of the ICANN Bylaws and the PDP Manual. As per the GNSO Working Group Guidelines, the WG shall develop a work plan that outlines the necessary steps and expected timing in order to achieve the milestones of the PDP as set out in Annex A of the ICANN Bylaws, the PDP Manual, and the Process Framework, and submit this to the GNSO Council. When establishing the PDP work plan, the PDP WG should take into consideration community work and available resources of all stakeholders.

Section III: Formation, Staffing, and Organization

Membership Criteria:

The Working Group will be open to all interested in participating. All members are expected to review previous documents enumerated in the Final Issue Report and produced by the PDP WG, including PDP WG meeting transcripts.

Group Formation, Dependencies, & Dissolution:

The Working Group shall be a standard GNSO PDP Working Group. The GNSO should circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group, including:

- Publication of announcement on relevant ICANN web sites including but not limited to the GNSO, GAC, and other Supporting Organizations and Advisory Committee web pages; and
- Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other ICANN Supporting Organizations and Advisory Committees.

As previously noted, the entire PDP WG should address all policy areas simultaneously during Phase 1 of this PDP. If the GNSO chooses, parallel subteams may be used during Phases 2 and 3 to address policy areas concurrently, in a sequenced manner, given sufficient resources and coordination.

The PDP WG should consider, as part of its work plan, if there are opportunities to facilitate productive dialog, such as periodic face-to-face conferences. The methodology used by the PDP WG must be transparent, consistent with the GNSO Policy Development Process, and take into consideration capacity to ensure adequate resourcing from all stakeholders.

Working Group Roles, Functions, & Duties:

The standard WG roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines. The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair, including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate. Staff assignments to the Working Group: <td> Especially during Phase 3, external experts may be called upon to help the PDP WG complete research in selected areas (e.g., data protection laws, risk assessment, cost impact analysis).

Statements of Interest (SOI) Guidelines:

Each member of the Working Group is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedure.

Section IV: Rules of Engagement

Decision---Making Methodologies:

{Note: This material was extracted from the Working Group Guidelines, Section 3.6. If a Chartering Organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision---making methodology, this section should be amended as appropriate}.

The Chair will be responsible for designating each position as having one of the following designations:

- Full consensus** --- when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus**.
- Consensus** --- a position where only a small minority disagrees, but most agree. [Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]
- Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- Divergence (also referred to as No Consensus)** - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- Minority View** --- refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus, Strong support but significant opposition**, and **No Consensus**; or, it can happen in cases where there is neither

support nor opposition to a suggestion made by a small number of individuals. In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence**, the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co---Chairs, make an evaluation of the designation and publish it for the group to review.
- ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co---Chairs, should reevaluate and publish an updated evaluation.
- iii. Steps (i) and (ii) should continue until the Chair/Co---Chairs make an evaluation that is accepted by the group.
- iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:
 - A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
 - It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence**.

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is Divergence or Strong Opposition, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls were taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants (see Note 1 below) in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to

the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.

3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO (see Note 2 below).

Note 1: Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or Liaison of their issue and the Chair and/or Liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

Note 2: It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

Status Reporting:

As requested by the GNSO Council, taking into account the recommendation of the Council liaison(s) to the WG.

Problem/Issue Escalation & Resolution Processes:

{Note: the following material was extracted from Sections 3.4, 3.5, and 3.7 of the Working Group Guidelines and may be modified by the Chartering Organization at its discretion}

The WG will adhere to ICANN's Expected Standards of Behavior as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008.

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the Chair of the Chartering Organization or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be

reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed.

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked.

Closure & Working Group Self--Assessment:

The WG will close upon the delivery of the Final Report, unless assigned additional tasks or follow-up. A self-assessment as outlined in the GNSO Operating Procedures will be conducted following closure of the Working group.

Section V: Charter Document History

	Version	Date	Description	
	1.0			
Staff Contact:			Email:	